

**Proposed Regulations for Delegation of Informal Fact-Finding to an Agency Subordinate**

**18 VAC 85-15-10 et seq.**

*(Replacing Emergency Regulation Effective 8/31/04 to 8/30/05)*

**18VAC85-15-10. Decision to delegate informal fact-finding proceedings to an agency subordinate.**

In accordance with § 54.1-2400 (10) of the Code of Virginia, the board may delegate an informal fact-finding proceeding to an agency subordinate upon determination that probable cause exists that a practitioner may be subject to a disciplinary action.

**18VAC85-15-20. Criteria for delegation.**

Cases that may be delegated to an agency subordinate shall be limited to those involving:

1. The practitioner profile system;
2. Continuing competency;
3. Advertising;
4. Compliance with board orders;

5. Default on a federal or state-guaranteed educational loan or on a work-conditional scholarship or grant for the cost of a health professional education; or

6. Failure to provide medical records.

**18VAC85-15-30. Criteria for an agency subordinate.**

A. An agency subordinate may include board members, professional staff or other persons authorized and deemed by the board to be knowledgeable by virtue of their training and experience in administrative proceedings involving the regulation and discipline of health professionals to conduct an informal fact-finding proceeding.

B. The executive director shall maintain a list of appropriately qualified persons to whom an informal fact-finding proceeding may be delegated.

C. The board may delegate to the executive director the selection of the agency subordinate who is deemed appropriately qualified to conduct a proceeding based on the qualifications of the subordinate and the type of case being heard.